

JAN 28 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL SALINAS-VARGAS, a.k.a. Juan
Sanchez-Gutierrez,

Defendant - Appellant.

No. 06-50512

D.C. No. CR-06-00639-JSR

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
John S. Rhoades, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Daniel Salinas-Vargas appeals from the 70-month prison sentence imposed following his guilty-plea conviction for being a deported alien found in the United

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Salinas-Vargas contends his sentence is unreasonable because the record fails to demonstrate, either explicitly or implicitly, the district court's consideration of all the sentencing factors under 18 U.S.C. § 3553(a). We conclude that the district court sufficiently considered the appropriate factors and that the sentence was not unreasonable. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007); *see also Gall v. United States*, 128 S. Ct. 586, 594 (2007) (explaining that appellate courts review for an abuse of discretion when determining whether a sentence is reasonable).

AFFIRMED.